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OCT 24 2005

96-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	}	
BUCK	}	Art Unit: 3711
Serial No.: 10/820,769	}	
	}	Examiner: Legesse, N
Filed: 04/09/2004	}	
For: GOLF MAT AND PATTERN	}	

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENTHonorable Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

A NOTICE OF NON-COMPLIANT AMENDMENT dated 10/19/2005, copy attached, has been MISTAKENLY issued.

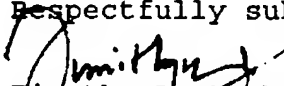
A telephone conference of 10/24 with Shawna Simmer, Legal Instruments Examiner, is acknowledged with appreciation, during which the undersigned was informed that the FORMAL DRAWING Cover Letter hand-filed on September 14, 2005 with the FORMAL DRAWING (3 sheets), has been misplaced by the Patent Office, as a result of which it mistakenly appeared that the 3 sheets of drawings were submitted as Amendments to the drawings.

Proof of submission of the 3 sheets of drawings on September 14, 2005, as a FORMAL DRAWING is enclosed, and consists of a copy of

- 1) date-stamped Receipt Card marked: (x) Formal Drawing (3 sheets);
- 2) TRANSMITTAL FORM marked: [x] Drawing(s) FORMAL (3 sheets);
- 3) FORMAL DRAWING cover letter stating:
Attached is a FORMAL DRAWING (3 pages) to be replace the originally filed drawing.; and
- 4) the three sheets of FORMAL DRAWINGS.

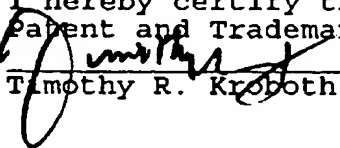
Accordingly, the NOTICE OF NON-COMPLIANT AMENDMENT was mistakenly issued, and withdrawal thereof is requested. Acceptance of the hand-filed FORMAL DRAWINGS is requested.

Respectfully submitted,


Timothy R. Kroboth
Reg. No. 28,435
(704) 846-3105

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted to the U.S. Patent and Trademark Office on October 24, 2005.


Timothy R. KrobothDate: 10/24/05



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,769	04/09/2004	Darin R. Buck	96-10	8822
2027	7590	10/19/2005		
TIMOTHY R. KROBOTH KROBOTH LAW OFFICE 5501 PROVIDENCE COUNTRY CLUB DRIVE CHARLOTTE, NC 28277				
EXAMINER LEGESSE, NINI F				
ART UNIT		PAPER NUMBER		
3711				

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10820769

Applicant(s)

10820769

Examiner

Legess, N.

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☒ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Shana J. Miller
Legal Instruments Examiner (LIE)

571-272-4404
Telephone No.

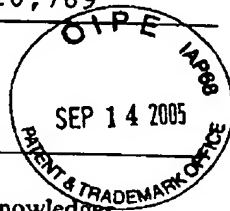
U.S. Patent and Trademark Office
PTOL-324 (08-05)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No.

Doc. No. 96-10Serial No. 10/820,769

Applicant:

Buck

The Patent Office acknowledges,
and has stamped hereon, the date of
the receipt of the items checked:

- ☒ (x) Amendment
- ☐ () Information Disclosure Statement
- ☐ () w/PTO 1449 w/Documents
- ☐ () Assignment and Fee
- ☒ (x) ~~Letter to Official~~ ~~Response~~
w/Formal Drawing (3 sheets)
- ☐ () Issue Fee Transmittal Form and Fee
- ☐ () Amendment under 37 CFR 1.312
- ☐ () Supplemental Declaration
- ☐ () Notice of Appeal and Fee
- ☐ () Appeal Brief (3) and Fee
- ☐ () Extension of Time
 - ☐ () Appeal Brief
 - ☐ () Notice of Opposition
- ☐ () Trademark Application, Specimens,
Drawing, Power of Attorney and Fee

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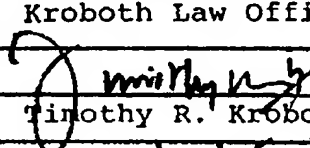
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. CMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/820,769
	Filing Date	04/09/2004
	First Named Inventor	Buck
	Art Unit	3711
	Examiner Name	LEGESSE, NINI
	Attorney Docket Number	96-10
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s) FORMAL (3 sheets)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Kroboth Law Office		
Signature			
Printed name	Timothy R. Kroboth		
Date	9/13/05	Reg. No.	28,435

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Timothy R. Kroboth	Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Sir:

Attached is a FORMAL DRAWING (3 pages) to ~~be~~ replace the
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Respectfully submitted,Timothy R. Kroboth
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(704) 846-3105